

Message Text

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PAGE 01 STATE 066577
ORIGIN IO-13

INFO OCT-01 ISO-00 L-03 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 FMC-02 INR-07 NSAE-00 SAL-01 CG-00
DLOS-06 OES-06 AF-08 ARA-10 EA-09 EUR-12 NEA-10
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DRAFTED BY IO/TRC:WADIAMANTI:AMP
APPROVED BY IO/TRC - WALKER A. DIAMANTI
OES/OFA/OA:MDBUSBY
EB/MA:CTAYLOR
L/EB:JRCROOK
USCG:CAPT.DHINTZE

-----260739Z 122939 /21

R 251738Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY LONDON

UNCLAS STATE 066577

FOR CLAY BLACK, SHIPPING ATTACHE

E.O. 11652: N/A

TAGS: PORG, EWWT, AORG, IMCO

SUBJECT: IMCO - ELECTION OF NEW MEMBERS TO THE COUNCIL -
U.S. PROPOSAL

1. TRANSMITTED HERewith IS THE TEXT OF A NOTE THAT THE
U.S. DELEGATION WISHES TO SUBMIT TO THE SECRETARIAT FOR
CIRCULATION IN ADVANCE OF THE 38TH MEETING OF THE COUNCIL
OF IMCO. YOU ARE REQUESTED TO TRANSMIT THE FOLLOWING TEXT
TO IMCO ASAP.

2. IMCO COUNCIL
- 38TH SESSION
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AGENDA ITEM ()

ELECTION OF THE 19TH THROUGH 24TH MEMBERS OF THE COUNCIL

....NOTE SUBMITTED BY THE UNITED STATES DELEGATION.....

THE 1974 AMENDMENTS TO THE IMCO CONVENTION HAVE RECEIVED

RATIFICATION BY NEARLY TWO-THIRDS OF THE MEMBERS OF THE ORGANIZATION. THIS MEANS THAT THE NUMBER OF RATIFICATIONS REQUIRED TO BRING THE 1974 AMENDMENTS INTO FORCE MAY BE ACHIEVED BEFORE THE OPENING OF THE 10TH ASSEMBLY. THEREFORE, IT SEEMS TIMELY FOR THE COUNCIL TO CONSIDER WHAT PROCEDURE

IT SHOULD RECOMMEND TO THE ASSEMBLY CONCERNING THE MANNER AND TIMING OF THE ELECTION OF THE SIX ADDITIONAL MEMBERS TO THE COUNCIL.

THREE ALTERNATIVES SEEM OPEN:

(1) LEAVING THE ENLARGEMENT OF THE COUNCIL TO THE 11TH ASSEMBLY IN 1979,

(2) CALLING A SPECIAL SESSION OF THE ASSEMBLY WHEN THE 1974 AMENDMENTS ENTER INTO FORCE, I.E. ONE YEAR AFTER THE REQUISITE RATIFICATION BY TWO-THIRDS OF THE MEMBERS,

(3) ELECTING THE SIX ADDITIONAL MEMBERS TO THE COUNCIL AT THE SAME TIME THAT THE FIRST 18 MEMBERS ARE ELECTED BY THE 10TH ASSEMBLY, WITH THE UNDERSTANDING THAT THE 19TH THROUGH 24TH MEMBERS WILL NOT ASSUME THEIR SEATS UNTIL THE FIRST MEETING OF THE COUNCIL AFTER ENTRY INTO FORCE OF THE 1974 AMENDMENTS.

DISCUSSION

THE THIRD ALTERNATIVE HAS THE DUAL ADVANTAGE OF (1) ENAB-
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LING NEWLY AUTHORIZED MEMBERS TO PARTICIPATE IN THE WORK OF THE COUNCIL AS SOON AS THE 1974 AMENDMENTS ENTER INTO FORCE, AND (2) AVOIDING THE ADDED COST OF A SPECIAL SESSION OF THE ASSEMBLY. ADDITIONALLY, IT WOULD GIVE THOSE 6 NEW MEMBERS OF THE COUNCIL AN OPPORTUNITY TO PLAN FOR THEIR PARTICIPATION IN THE COUNCIL, I.E. TO REVIEW THE DOCUMENTATION AND SELECT THEIR DELEGATES.

IT IS APPRECIATED THAT THIS THIRD ALTERNATIVE RAISES CERTAIN LEGAL QUESTIONS. THE POWER OF THE 10TH ASSEMBLY TO TAKE ANY ACTION TO FILL THE SIX NEW COUNCIL SEATS PRIOR TO THE ENTRY INTO FORCE OF THE 1974 AMENDMENTS IS NOT CLEAR. IT MIGHT BE ARGUED THAT THE 10TH ASSEMBLY LACKS SUCH AUTHORITY ALTOGETHER.

NEVERTHELESS, THE PRACTICAL ADVANTAGES OF ACTION BY THE 10TH ASSEMBLY TO FILL THE SIX NEW SEATS ARE CLEAR AND SUBSTANTIAL. WE BELIEVE THAT IT WOULD BE IN THE BEST

INTERESTS OF THE ORGANIZATION IF THE ASSEMBLY COULD ELECT THE SIX ADDITIONAL COUNCIL MEMBERS AT ITS FORTHCOMING MEETING, WITH THOSE SIX TO ASSUME THEIR SEATS ONLY UPON ENTRY INTO FORCE OF THE 1974 AMENDMENTS.

IN THIS CONNECTION, ARTICLE 55 OF THE PRESENT CONVENTION CONFIRMS THE AUTHORITY OF THE ASSEMBLY TO CONSIDER AND RESOLVE QUESTIONS CONCERNING INTERPRETATION OR APPLICATION OF THE CONVENTION. WE HOPE THAT COUNCIL MEMBERS WOULD GIVE SYMPATHETIC CONSIDERATION TO RECOMMENDING THAT THE 10TH ASSEMBLY, IN THE EXERCISE OF THESE POWERS, DECIDE TO ELECT SIX ADDITIONAL COUNCIL MEMBERS TO FILL THE SEATS WHICH WILL BE ESTABLISHED UPON ENTRY INTO FORCE OF THE 1974 AMENDMENTS, WITH THE UNDERSTANDING THAT THE SIX SO ELECTED SHALL NOT BECOME MEMBERS OF THE COUNCIL UNTIL THE FIRST COUNCIL MEETING FOLLOWING ENTRY INTO FORCE OF THE 1974 AMENDMENTS. OF COURSE, IF THE 1974 AMENDMENTS
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DO NOT ENTER INTO FORCE PRIOR TO THE 11TH MEETING OF THE COUNCIL, THE ELECTION OF THE SIX ADDITIONAL MEMBERS BY THE 10TH WOULD HAVE NO EFFECT.
CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, CIVIL AVIATION, DIPLOMATIC NOTES, ELECTIONS, INTERNATIONAL ORGANIZATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 25-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: WADIAMANTI:AMP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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From: STATE
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Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
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Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
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Review Withdrawn Fields: n/a
SAS ID: 2993944
Secure: OPEN
Status: NATIVE
Subject: IMCO - ELECTION OF NEW MEMBERS TO THE COUNCIL - U.S. PROPOSAL
TAGS: PORG, EWWT, AORG, US, IMCO
To: LONDON
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/6a2cd0b1-c288-dd11-92da-001cc4696bcc
Review Markings:
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